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EIGHTEENTH YEAR.

10 PAGES.

PHOENIX, ARIZONA, WEDNESDAY MORNING, MAY 13 1908

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## THE STEWART INCIDENT IS LOOMING UP LARGE

### Senator Rayner Attacks the President's Course in the Matter

His Resolution Demanding a Court of Inquiry Will Be Brought Up Today for Action by the Senate.

Washington, May 12.—The senate today passed the post office appropriation bill carrying amounts aggregating \$229,972,367. As passed, the bill allows \$1 day expenses for railroad postal clerks when away from terminals, which will incur a total expense of about \$1,000,000. Amendments adopted by the senate provide for the weighing of mails annually instead of every four years, and adopted the Gallinger provision concerning the improvement of the ocean mail service to the Philippines, China, Japan, Australia and South American ports.

Senator Rayner spoke on his resolution ordering a court of inquiry on the charges against Col. W. F. Stewart, U. S. A., now stationed at Fort Grant, Ariz. Mr. Rayner read a letter from the president giving his reason for the action taken against Stewart, which the senator declared to be trivial.

The president in his letter said Stewart is "impossible" as commanding officer, mistreating men, quarreling with civilians, and being incompetent. Mr. Rayner declared that the charges were never furnished to the army officer, and said that the "punishment" which the president was meting out to him was unparalleled and in defiance of precedents.

He gave notice that he would call up his resolution for action by the senate tomorrow.

Rayner read his letter to the president, stating that it was his purpose to introduce in the senate the resolution demanding an inquiry into the Stewart case, and then read presidents reply, interpolating his own comments on the president's words as he went along.

"At present I do not see how a court of inquiry could be of use," the president stated in his letter. "I do not see how any court could express an opinion which I could pay more heed to than the judgment of Watson, Grant, Murray, Duval and Davis, on whose judgment I have acted."

Mr. Rayner paused in the reading to declare that with a single exception these officers named by the president had been promoted over the head of Col. Stewart to the positions they now occupy.

Continuing he read the president's letter saying that the charges against

Stewart had already been established and he did not see what more a court of inquiry could do. "This," exclaimed Mr. Rayner, "is the president's interpretation of his constitutional prerogative. It has never been paralleled in the military records of American history."

The president's letter to Mr. Rayner stated that he would give further consideration to the senator's demand for a court of inquiry. The president added that there was nothing to find out as nothing additional could more clearly establish the facts, and said that this is one of the many cases of "contentious" officers demanding courts of inquiry, to grant that which would destroy the discipline of the army. The president added that he did not understand Mr. Rayner's allusion to the joint resolution of congress.

"I advised him to consult the attorney general, but I do not suppose he could throw much light on it either," interposed Mr. Rayner amid laughter. Mr. Rayner declared that the president as commander in chief of the army, under the control of congress has no right to inflict punishment.

Mr. Rayner discussed from a legal point of view precedents for congress ordering courts of inquiry—particularly in the cases of Gen. Howard and Admiral Schley.

Taking up the point as to what constituted courts of inquiry, the senator said the authorities were all against the president having the slightest right to punish an officer without a court; no commanding general had such rights. He declared that the president was determined to keep Stewart in exile for three years when he would be retired on account of age, he added.

The president says to him, stay there or surrender and retire. No such act was ever contemplated in the imperial armies of continental Europe."

He declared that abroad, army officers lose their identity, but in the United States the constitution guarantees every man his life, liberty and property, unless taken from him by due process of law.

Mr. Rayner brought out the fact that Stewart's wife was a cousin of the

(Continued on Page Seven)

#### PLEDGED TO TAFT.

San Francisco, May 12.—The Lincoln-Roosevelt League of the fourth congressional district held a caucus this afternoon and selected delegates to the national convention. A resolution was adopted pledging the delegates elected to go to the Chicago convention to vote for Taft.

#### JEFFERSON DAVIS' BIRTHDAY.

Richmond, May 12.—Governor Swanson today issued a proclamation requesting the people of Virginia to observe June 3, the centennial of Jefferson Davis' birth, as a holiday.

#### WEATHER TODAY.

Washington, May 12.—For Arizona—Fair and warmer Wednesday; Thursday fair.

## THE MYSTERY MORE MUDDY

### As the Guinness Investigation Proceeds

#### Though Progress is Made in Establishing Identity of Victims.

La Porte, May 12.—Evidence establishing the identity of three additional victims of Mrs. Belle Guinness was the most positive development of a day filled with the contradictory happenings.

Both the prosecution and the defense received setbacks from the discoveries and revelations, but on the whole substantial progress was made toward bringing the case to a stage where it will be transferred to the courts.

The reports of four physicians who conducted the post mortem examinations of the bodies found in the ruins of the Guinness home were given to the coroner's jury this morning. They fail to establish the manner in which the woman and three children met death. It is probable that the coroner's jury will return an open verdict regarding them.

The mining operations proposed by Sheriff Smelser were started today in the ruins of the Guinness home. The man employed to strike the ashes found the gold crowd of a tooth, believed to be from the head of Mrs. Guinness. Almost two dozen pairs of scissors, bent and curved like surgical instruments, three knives, two of a surgical character and one dirk were found in the ashes. There was no mark on the body of Heidekin to indicate that a dirk was used but he may have been chloroformed.

One of the neighbors of Mrs. Guinness states that she once saw about the woman's body a wide belt containing pouches of various sizes and sheaths which may have been used for knives.

Friends of Herman Konitzer, who disappeared on January, 1906, have become convinced that he was a victim of Mrs. Guinness. They believe that he is "the man from Chicago" described by Lamphere who vanished suddenly while a guest of the Guinness house and who was said by Mrs. Guinness to have "gone south for health."

Konitzer came to the country only three months before his disappearance. He had been manager of an estate at Posen, Germany, and was well versed in farming.

#### THE PHOENIX BOND BILL.

Dwight B. Heard Before the Senate Committee in Relation to it.

Washington, D. C., May 12.—(Special.)—Dwight B. Heard of Phoenix, Ariz., arrived here today. He called on the committee on territories of the senate about the Phoenix bond bill. As soon as he has heard from home on the matter he will present the information to the committee which they desire before taking further action.

## Is Your Grain Insured?

Now is the time to insure your grain in the field. If it should happen to burn up what would you have to show for all your labor and expense?

I can help you to provide against this possibility at a nominal expense and in a reliable and old-established company. Call or send a postal card asking for particulars.

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## PRESCOTT'S SENSATION

### Is Brought to an Early End

#### The Indictment Against T. G. Morris Falls to the Ground.

Prescott, May 12, (Special.)—Judge Sloan in ruling this morning on a demurrer to the indictment against Hon. T. J. Norris charging him with having given a bribe of \$500 to former Supervisor Sattes to vote for R. P. Talbot as district attorney to succeed E. E. Ellinwood, resigned, completely vindicated Mr. Norris. The court said that if all the facts alleged in the indictment were admitted, still they would not constitute the public offense charged. His opinion was delivered at some length. The demurrer was sustained not on mere technical grounds but the court went into the facts of the case so that his order is in effect an acquittal by a jury.

The court denied the request of District Attorney Morrison for a recommitment of the case to the next grand jury. The order went also to the case of Sattes who was likewise discharged.

The offense charged was alleged to have been committed on March 5, of 1906, following the resignation of Mr. Ellinwood. There were several candidates for the office which was to be filled by the board. Sattes was expected to vote for S. F. Patten, who had been assistant to Mr. Ellinwood and when he cast his vote for Talbot, it was rumored that he had been influenced by representatives of the United Verde Mining company for which Mr. Norris was counsel.

In the proceedings which ended yesterday the attorneys for Mr. Norris were LeRoy Anderson, Reese M. Ling and John Ross. Sattes was represented by Paul Burks and Henry D. Ross.

The proceedings leading up to the decision by Judge Sloan took place on Monday. The defense filing a demurrer and asking permission to file a motion to quash in the event that the demurrer was not sustained. That was opposed by the district attorney who insisted that the motion to quash should be heard first. Mr. King for the defense replied that that might involve the summoning of the grand jury to show that the district attorney had used undue influence in procuring the indictment.

The district attorney then objected to the court passing on the demurrer and courted the investigation of his conduct involved in the motion to quash and also to determine who had disclosed the secrets of the grand jury room. He asked that the members of the jury be summoned as he considered that the insinuation that he had exercised undue influence in the procuring of the indictment was a reflection upon him as district attorney.

Mr. Ling filed an affidavit in support of the motion to quash. After Judge Sloan had read it he said that the fact that such an affidavit had been filed was not a reflection upon the character of the district attorney. Mr. Morrison said he would leave that to another tribunal.

After that the argument proceeded upon the demurrer.

#### NEW YORK FUGITIVE.

Seeking Freedom in San Francisco by Means of Habeas Corpus.

San Francisco, May 12.—Robert W. Fullerton, who was arrested in Seattle, and brought to this city on the steamer Watson by two detectives from New York City, appeared in Superior Judge Seawell's court today with a petition for a writ of habeas corpus. He was remanded to the custody of the sheriff pending a final decision on the petition on Thursday.

Detective Fitzsimmons denied the statement that he had used harsh measures in effecting the arrest of Fullerton. He said the young man was taken into custody by the Seattle police on the lieutenant governor's warrant and was later turned over to him.

#### The Cause of the Arrest.

New York, May 12.—When questioned as to the arrest of Robert W. Fullerton, at Seattle, Assistant District Attorney Perkins, who procured the indictment against the young man, refused to discuss the matter. It is charged that Fullerton, on September 29, took Gladys Hobart on the steamer Trent, bound for South American ports and that he deserted her in South America. She finally got back to New York and Fullerton on Feb. 29, 1908, was indicted on a charge resulting from the trip.

Fullerton and the young woman, it is said, were co-eds at Cornell, where they first met. It is reported that they were engaged to be married.

## LIVES LOST IN CYCLONES

### Which Swept Over Eastern Nebraska

#### The Known List of Dead is Twelve—Great Property Damage.

Omaha, May 12.—Twelve persons are known to have been killed and a score injured in a tornado which swept over the northern part of Sarpy county at 5 o'clock this afternoon. This storm, which gained velocity on its way south, started at Omaha about 4:30. At Bellevue the college buildings were damaged to the extent of probably \$50,000 and several persons were injured, none fatally.

The storm then moved on to Louisville, Richmond and Springfield, where the principal damage and loss of life occurred.

The casualty list as far as known follows: Mrs. Frank Hester, living near Louisville; Charles Leader, near Richfield; two unknown at Louisville; seven unknown in a sand pit near Louisville; Charles Martin, near Meadow.

The storm was the most severe that ever struck eastern Nebraska and the damage to the college buildings at Bellevue was heavy. A tower was blown from Park hall and the building was wrecked. Lowry hall and Rankin hall were unroofed. The panic stricken students ran to the basement and in this way many fatalities were probably avoided. The college stables were wrecked and all the horses killed.

#### A TOWN BLOWN AWAY.

Lincoln, May 12.—It is difficult to get any definite news from Louisville. Reports are to the effect that the town was blown away, and the people are in a panic. The Burlington station was torn to pieces, and most of the business houses wrecked. Thirty residences were destroyed. The Missouri Pacific station is standing but both the telegraph and telephone wire are down.

There were four distinct tornado clouds seen at Springfield. They made their appearance shortly before 5 o'clock. Heavy damage was done in the country and it is feared that there is some loss of life. Dispatches received at Lincoln say that there were severe storms along the Missouri river further south, at Nemaha City and Falls City.

#### OTHER REPORTS OF DISASTER.

Springfield, Neb., May 12.—A tornado late this afternoon wrecked the towns of Louisville, Bellevue and Richfield, killed several persons and injured a large number. The heaviest losses of life and injuries are reported from Louisville, a junction point of the Missouri Pacific and Burlington railroads in Cass county. The number of deaths is unknown. No names are secured but it is said that between forty and sixty are injured, many seriously and some fatally.

The town of Bellevue is declared to be practically wiped out but it is not known that there were any fatalities. Bellevue is the seat of the Presbyterian college.

In the village of Richfield, Elmer Leuder was killed and his father injured. Ed Fuller, a farmer near Richfield, was fatally injured. A number of small buildings and stores in the village were blown down.

Moving south the tornado struck Fort Crook, damaging several of the barracks buildings, but nobody was injured. In the town of Fort Crook, however, a number of buildings were entirely wrecked and other damage was done.

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\$ 50 \$

Some Good Orange Land

HENRY & COSTLEY,  
15 N. 1st Ave.

## MORE THAN SATISFIED WITH PROGRESS MADE

### Commercial Club Pleased With Promised Railroad Concessions

All Minor Grievances Quickly Settled and Traffic Men Agreed to Readjustment of Commodity Rates That Will Be Equitable to all.

It will be a long time before the public fully appreciates the full significance of the achievements of the Maricopa County Commercial club in its recent conference with the traffic men of the Southern Pacific and Santa Fe railroad companies. The good effect of it can be noted at once by many and as soon as the present season's crops begin to seek a market there will be greater evidence of this important accomplishment. But there are still greater things that are yet to be worked out for the benefit of this valley more particularly in respect of incoming freights, that cannot be thoroughly understood or explained at this time. They may be celebrated in advanced however for they are as certain as anything can be.

A feature of the greatest importance is what might be described as the changed "mental relations" between the club as representing the people of the valley, and the railroad men. In a general way it is understood by all that railroad men seek the betterment of the communities they serve, not only because they are human and like to see everybody as content as possible but because it is good business. If Phoenix cannot ship freight out or in to a profit there will be none shipped hence no business for the railroads.

But there has grown up in the community a feeling that the railroads had permitted a discrimination against this valley thinking that greater business elsewhere would more than offset it. This created a feeling in some quarters, of unfair prejudice against the railroads. All that is now removed and the conferences of Monday have given all concerned a new light, each on the attitude of the other.

The members of the Commercial club were smiling with satisfaction yesterday over the happy results of their negotiations. So many of their complaints were admittedly well founded and their immediate correction promised that they appreciated fully the desire of the traffic men to deal justly in every quarter. On the other hand the railroad men before their departure expressed themselves as not only pleased with their cordial reception but pleased at the reasonable way in which the club had gone about its business. They felt that the complaints had been made in good faith and in full confidence that any relief that could be given would be offered at the earliest moment. They fully appreciate the handicap that the community has labored under and feel disposed to do everything possible for better conditions. It was made apparent that the railroad men seek to cooperate to the fullest extent.

Their interest is in developing a big freight business here as elsewhere. There are some things that the railroad men cannot give by reason of conflicting conditions elsewhere, for rate making by any railroad, is a complex and many sided matter, and this fact is duly appreciated by the Commercial club. But much has been secured, and much that could have been

had long ago had there been concerted action to that end.

F. A. Jones, traffic manager of the Commercial club, when interviewed last night on the results of the conference, expressed himself as above indicated as also did numerous others who were present during the conference. When asked for a statement as to something definite that might be cited for the benefit of The Republican's readers, he gave many details, more in fact than one could thoroughly exploit in a story of newspaper length.

Mr. Jones said that to facilitate matters, as the traffic manager of the club he had been selected to outline the club's grievances. This he did and in doing so referred first to those minor irregularities that all believed could be adjusted quickly and easily. He then took up the matter of outgoing freights to Arizona, New Mexico, Colorado and Texas, territory that for certain products legitimately belongs to Phoenix. This he followed up with the subject of large freight shipments from the east, practically covering all commodities that are brought here in carload lots. This was left until the last as it was fully understood that in a changing of these rates, for the benefit chiefly of the jobbing interests, there would naturally arise the question of competition with coast interests. It was desired to approach the subject by degrees, clearing the state as much as possible, as progress was made, and the result was most satisfactory.

In respect of the minor matters, they were granted with the asking.

(Continued on Page Four)

## BUCKEYE

80 ACRES OF THE BEST LAND. 35 ACRES IN ALFALFA, 1 1/2 ACRES VINEYARD. 4 ROOM HOUSE. ALL IN CULTIVATION.

PRICE \$4500  
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### Phoenix Cycle Co.

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Racyles and bicycle tires of all kinds. Many are taking advantage of the low price bicycles now on sale.

**Griswold & Co.**  
The Bicycle Man. 34-36 W. Adams St.

## "The Sweet Girl Graduate"

Pardon the digression, but the sweet girl graduate is again abroad in the land. She is as sweet or sweeter, maybe, this year than ever before. And as her sweetness is, so her deserts. You owe it to the young lady to remember her with a present on the eventful day when she draws her sheepskin. If she is your daughter, she will appreciate it, if she is your sister, she will expect it, and if she is your sweetheart, she will kiss you for it, in either of which cases, it is "up to you."

There is no use spending a month's salary on a present. It is not good form. And besides, you could not last long at it. Your evening clothes would soon be hanging in a pawn shop. But best of all, it is not necessary.

There are a hundred and one things, and then some, to be had at the Big Curio for a song and six pence, so to speak, that will rejoice the heart of any girl that ever happened. It makes no difference whether the girl be an embryonic Phoenixianess or whether her domicile be in a distant and cooler clime, I can suit her. Of course to suit her is to suit you, for that's what you spend your money for. As a matter of fact, now while my special sale is going on it would pay you to buy enough graduation presents to last a natural life. Come and see.

### R. L. BALKE, U. S. Indian Trader

Proprietor the Big Curio Store on Adams Street.

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15 East Washington St. Phoenix, Arizona.

## Secure Positive Protection for Your Valuables

One of the most important acts of prudence is to place your valuables beyond the reach of fire and theft. This protection can be obtained by renting a Safe Deposit Box in our Fire and Burglar-Proof Vaults. We have the only fully equipped Safety Deposit Vaults in this city. Special rooms for customers.

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For Old Gold and Silver and Precious Stones. SPECIAL REDUCED PRICES ON WATCH AND JEWELRY REPAIRING. ALL WORK GUARANTEED.

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